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Response
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PATENT APPLICATION
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NO. 72804



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chason et al.
Application No.: 10/044,777
Title: Semiconductor Package Device and Method
Filed: January 11, 2002
Group Art Unit: 2813
Examiner: Donlan, J.

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this date.

1/28/03
Date

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RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to an Office Action dated October 28, 2002 as entered in the above captioned matter, the applicant respectfully submits the following response.

1. Claims 1-4, 14, 15, and 21-28 were rejected under 35 U.S.C. §102(e) given U.S. Patent Application Publication No. 2002/0119600 ("Pierce"). Claims 5-13, 17, and 18 were rejected under 35 U.S.C. §103(a) given Pierce in view of U.S. Patent No. 6,335,571 ("Capote"). Claim 16 was rejected under 35 U.S.C. Section 103(a) given Pierce in view of U.S. Patent No. 6,323,062 ("Gilleo"). Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) given Pierce in view of Capote and U.S. Patent No. 5,251,266 ("Spigarelli"). These rejections are respectfully traversed and the applicant hereby respectfully requests reconsideration.

2. The Pierce reference comprises the foundation of the Examiner's rejection. Pierce has been applied under 35 U.S.C. §102(e), which reads in pertinent part as follows:

A person shall be entitled to a patent unless ... (e) the invention was described in (1) an application for patent ... by another filed in the United States for the invention by the applicant for patent....

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The Pierce reference, however, does not meet these criteria in that the Pierce filing date does not precede invention by the applicant.

In particular, the attached Affidavit under 37 CFR §1.131 of Marc Chason makes clear that, at least as early as January 14-18, 2001 (which is more than one month prior to the February 23, 2001 filing date of Pierce) the applicants were in possession of the invention. Accordingly, Pierce is not available as relevant prior art.

There are also other differences that the applicant might point out with respect to both Pierce and the other prior art references of record. For the sake of brevity and to expedite this review process, however, the applicant will refrain at present from any further comments or elaboration regarding the prior art. With Pierce unavailable, the applicants' respectfully submit that claims 1-28 are in suitable condition to support allowance.

Respectfully submitted,



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Date: January 28, 2003
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